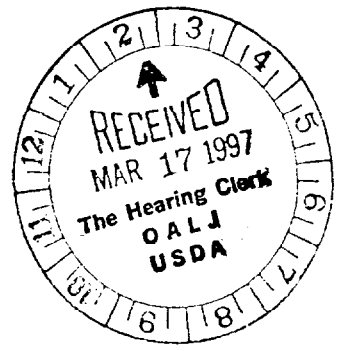


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-97-6
David Riswold,)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a complaint filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondent wilfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. David Riswold, hereafter referred to as the respondent, is an individual. His business mailing address is Sioux Falls Stockyards, Sioux Falls, South Dakota 57102. His mailing address is 1002 Fourth Street, Baltic, South Dakota 57003.

2. The respondent is, and at all times material herein was:

- (a) Engaged in the business of buying livestock in commerce on a commission basis;
- (b) Engaged in the business of buying and selling livestock for his own account; and
- (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock on his own account and as a market agency buying livestock on commission.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent David Riswold, his agents and employees, directly or indirectly, through any corporate or other device, shall cease and desist from:

- 1. Selling, billing and collecting funds from commission customers on the basis of false and incorrect purchase prices;
- 2. Issuing accounts of purchase or sale which fail to show the true and correct nature of the livestock transaction accounted for therein, including, but not limited to the true and correct purchase or sale price; and
- 3. Preparing, changing or altering invoices or other documents, including scale tickets, for the purpose of concealing


or disguising fraudulent price increases and the identity of the livestock seller.

The respondent shall keep and maintain accounts, records and memoranda which fully and correctly disclose all transactions involved in his business as a market agency subject to the Act, including, but not limited to, invoices, billings and scale tickets which disclose, fully and correctly all information relating to the purchase and sale of livestock.

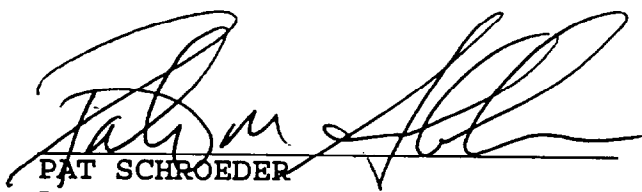
In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), respondent David Riswold is assessed a civil penalty of Twelve Thousand Dollars (\$12,000.00) of which Ten Thousand Dollars (\$10,000.00) shall be held in abeyance for a period of five years for so long as respondent David Riswold does not violate the provisions of this order. If, after hearing and appeal, it is found that the respondent has violated the provisions of the order within the five year period, the remaining \$10,000.00 shall be due and payable immediately, although such payment shall not be considered a stipulated judgment or sanction for such proven future violations. If, during the five year period following the effective date of this order, respondent has not violated the provisions of this order, the remaining \$10,000.00 civil penalty held in abeyance will automatically be discharged without further proceedings.

The provisions of this order shall become effective on the sixth day after service of this order on the respondent.

Copies of this decision shall be served upon the parties.



DAVID RISWOLD
Respondent



PAT SCHROEDER
Attorney for Respondent



JANE MCCAIVITT
Attorney for Complainant

Issued this 17 day of March 1997



Administrative Law Judge